

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
2110 RIVERVIEW ROAD, 1010 FT. NW  
AT FOOT OF BACK RIVER NECK ROAD  
2110 RIVERVIEW ROAD  
2110 RIVERVIEW ROAD  
2110 RIVERVIEW ROAD  
JAMES GRANESE, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-339-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The petitioners herein request a variance from Section 1A04.1B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 10 ft., in lieu of the required 50 ft., for an addition to the kitchen, as more particularly described on petitioners' Exhibit No. 1.

The petitioners have filed the supporting affidavits as required by Section 96-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 107.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). The

relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1992 that the Petition for a Zoning Variance from Section 1A04.1B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 10 ft., in lieu of the required 50 ft., for an addition to the kitchen, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with the requirements of the Department of Environmental Protection and Resource Management set forth in their comments dated March 19, 1992, attached hereto and made a part hereof.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LCS/mmm

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-1386

April 16, 1992

Mr. and Mrs. James A. Granese  
2110 Riverview Road  
Baltimore, Maryland 21221

RE: Petition for Residential Zoning Variance  
Case No. 92-339-A

Dear Mr. and Mrs. Granese:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LCS:mmm  
encl.

#### PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.1B.3 OF THE B.C.Z.R.  
TO PERMIT A LOT LINE SETBACK OF 10'  
IN LIEU OF THE REQUIRED 50' FOR A KITCHEN

ADDITION:  
of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)  
INCREASE IN FAMILY MEMBERS

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalty of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

Phone

Legal Owner(s):

(Type or print name)

(Signature)

Address

City

State

Zip Code

Name, address and phone number of owner, contract purchaser or representative to be contacted.

Address

Phone

Name

Address

Phone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of April, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.



REVIEWED BY JCM DATE 3-11-92

ESTIMATED POSTING DATE: \_\_\_\_\_ ESTIMATED CLOSING DATE: \_\_\_\_\_

ZONING COMMISSIONER OF BALTIMORE COUNTY

ITEM # \_\_\_\_\_

#### AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 2110 Riverview Road  
Baltimore MD 21221  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

MY 30 YEAR OLD MOTHER IN LAW IS COMING  
TO LIVE WITH US SO WE CAN CARE FOR HER  
& OUR KITCHEN DOES NOT HAVE ROOM FOR ALL  
OF US. WE CAN ONLY SEAT TWO AT OUR KITCHEN  
TABLE. OUR EXISTING KITCHEN IS 6'X7'.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James A. Granese James J. Granese  
2110 RIVERVIEW RD. 2110 RIVERVIEW RD.  
Baltimore Baltimore  
MD MD  
21221 21221  
City City State State Zip Code Zip Code

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of April, 1992, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

James A. Granese  
James J. Granese

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3/24/92  
Notary Public

My Commission Expires: Dec 1, 1994

#### ZONING DESCRIPTION FOR 2110 RIVERVIEW RD

BEGINNING AT A POINT ON THE SOUTH SIDE OF RIVERVIEW RD WHICH IS 15' WIDE AT THE DISTANCE OF 1,010' N.W. OF THE NEAREST IMPROVED INTERSECTING STREET BACK RIVER NECK RD WHICH IS 2' WIDE BEING LOT 49 BLOCK SECTION IN THE SUBDIVISION OF WILLOWOOD BEACH AS RECORDED IN BALTIMORE COUNTY PLAT BOOK 119 FOLIO 30 CONTAINING 16.54 AC. AND KNOWN AS 2110 RIVERVIEW RD AND LOCATED IN THE 15th ELECTION DISTRICT

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 4/16/92  
Posted for: James A. Granese  
Petitioner: James A. Granese  
Location of property: 2110 Riverview Rd., Baltimore, Md 21221  
Location of Sign: 2110 Riverview Rd., Baltimore, Md 21221  
Remarks: \_\_\_\_\_  
Posted by: James A. Granese Date of return: 4/16/92  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

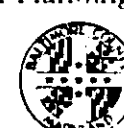
receipt

Date

Account: R 001-6150  
Number

0404140037N1CHRC \$60.00  
BA 0004102PM03-11-92  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

April 6, 1992

(410) 887-3353

Mr. & Mrs. James A. Granese  
2110 Riverview Road  
Baltimore, MD 21221

RE: Item No. 358, Case No. 92-339-A  
Petitioner: James A. Granese, et ux  
Petition for Administrative Variance

Dear Mr. & Mrs. Granese:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

March 19, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #358, Zoning Advisory Committee Meeting of March 24, 1992, Mr. James A. Granese and Emily J. Granese, S/S Riverview Road, 1010' NW of centerline Back River Neck Road, (#2110 Riverview Road), D-15, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Prior to building permit approval, an inspection of the well and septic system will be required.

SSF:rmp

358.ZNG/GWRMP

Your petition has been received and accepted for filing this 10th day of March, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Reichardt, Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: James A. Granese, et ux

Petitioner's Attorney:

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

APRIL 2, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JAMES A. GRANESE AND EMILY J. GRANESE

Location: #2110 RIVERVIEW ROAD

Item No.: 358 Zoning Agenda: MARCH 24, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and  
Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 24, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 24, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 354, 356, 358, 359, 360, 361 and 365.

For Items 357 and 364, these sites must be submitted through the new subdivision process for review and comments.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

RECEIVED  
MAR 26 1992  
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 24, 1992

This office has no comments for item numbers 356, 357, 358, 359, 360, 361 and 364.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: April 8, 1992

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Case No. 92-339-A  
Granese Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2110 Riverview Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. James Granese

APPLICANT PROPOSAL

The applicant proposes to build an addition onto an existing single family dwelling. The applicant has requested a variance from section 1A04.3.B.3 of the Baltimore County Zoning Regulations to permit "a lot line setback of 16 feet in lieu of the required 50 feet for a kitchen addition".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

RECEIVED  
APR 13 1992

ZONING OFFICE

Memo to Mr. Arnold Jablon  
April 8, 1992  
Page 2

REGULATIONS AND FINDINGS

- 1a. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
- 1b. Policy: Redevelopment - If less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline <Department of Environmental Protection and Resource Management Policy Manual - Chesapeake Bay Critical Area, Buffers>.

Finding: This property is located along the tidal waterfront of Back River. The existing house is located 55 feet from Back River. The proposed addition is located 65 feet from the river. No encroachment shall be allowed within the remaining 55 feet of shoreline buffer.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Finding: The proposed addition creates impervious surfaces which total 20% of the lot. No impervious surfaces shall be allowed which exceed 25% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Memo to Mr. Arnold Jablon  
April 8, 1992  
Page 3

Finding: This property presently contains 15% forest cover. However, property owners are always encouraged to plant additional native plants. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

5. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. Rooftop runoff shall be directed through downspouts and into a seepage pit or ditch drain, to encourage maximum infiltration.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

*J. James Dieter*  
J. James Dieter, Director

JJD:NSP:ju  
Attachment

cc: Mr. and Mrs. James Granese

GRANESE/XTXNSS

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

March 19, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #358, Zoning Advisory Committee Meeting of  
March 24, 1992, Mr. James A. Granese and Emily J. Granese,  
S/S Riverview Road, 1010' NW of centerline Back River Neck Road,  
(#2110 Riverview Road), D-15, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Prior to building permit approval, an inspection of the well and septic system will be required.

SSF:mp

358.ZNG/GWRMP

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

March 20, 1992

(410) 887-3353

James and Emily Granese  
2110 Riverview Road  
Baltimore, Maryland 21221

Re: CASE NUMBER: 92-339-A  
LOCATION: S/S Riverview Road, 1010' NW of c/l Back River Neck Road  
2110 Riverview Road  
15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before March 29, 1992. The closing date is April 13, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County

Printed on Recycled Paper

92-339-A

*2-20-92*  
*to inform property owners*  
*of the zoning variance*  
*concerning James Granese,*  
*my neighbor, about building*  
*a detached addition to his*  
*home.*

*Robert R. Wittig*  
*2110 Riverview Rd*  
*(21)*

PROPOSED VARIANCE TO ZONING ORDINANCE

PROPOSITION NAME: WILDWOOD BEACH

SLAT BOOK: 1 FOLIO: 30 LOT: 14 SECTION: 1

OWNER: JAMES + EMILY GRANESE

92-339-A

Petitioners' Exhibit #1

EXISTING DWELLING

ROBERT WITTIG

SEPTIC TANK

WATER WELL

EXISTING GARAGE 20'x20'

1" = 200' SCALE MAP

CHESAPEAKE DISTRICT 15

ELECTION DISTRICT 15

1" = 200' SCALE MAP

CONING R-15

LOT SIZE 7,444/200/213 16,374

SEWER ☐ WATER ☐

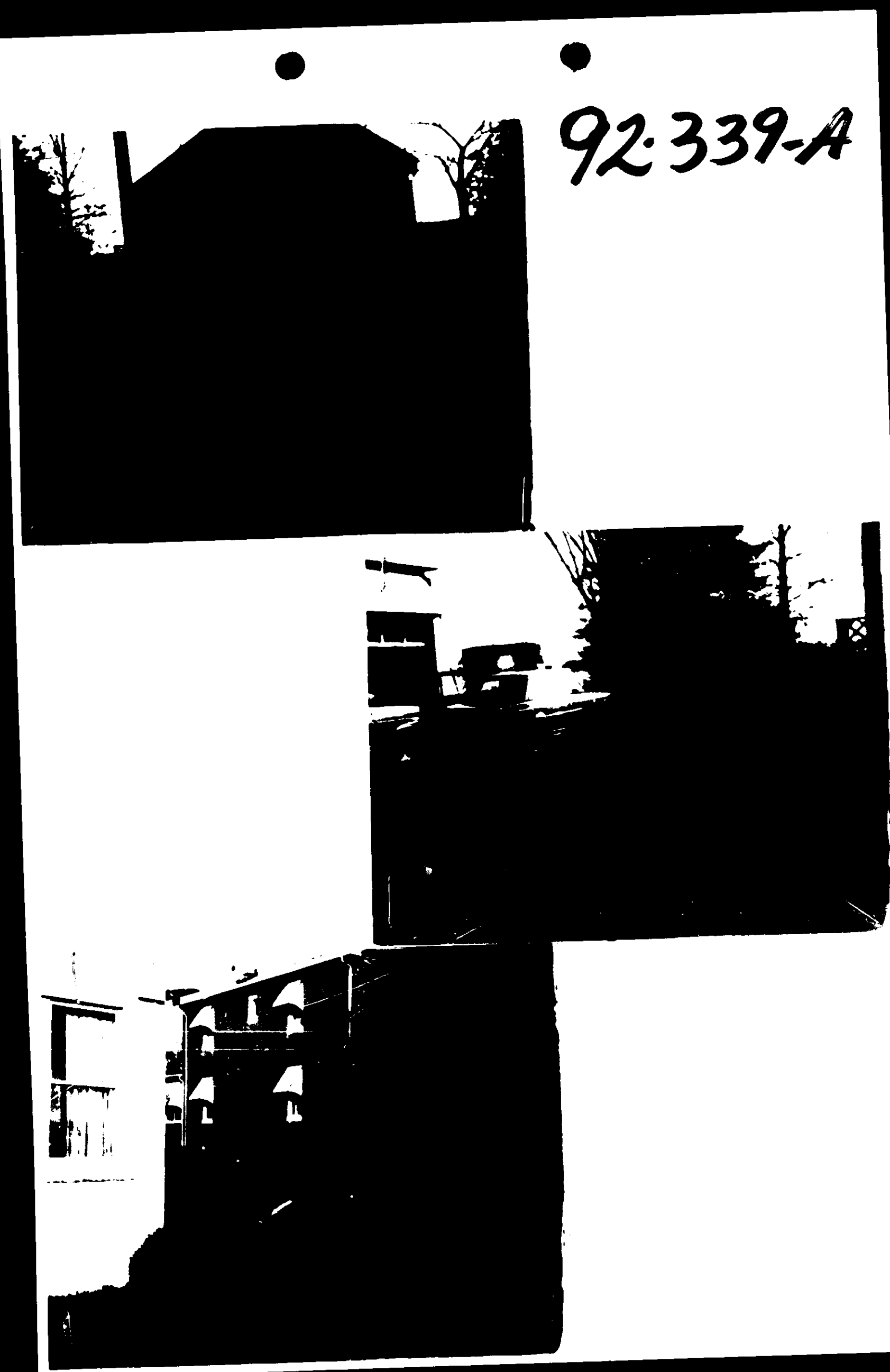
YES NO

WHEREAS BY CIRCULAR ORDER

PRIOR ZONING DECISIONS NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM: CASE:



SCALE  
1" = 200' ±

LOCATION  
BACK RIVER NECK

SHEET  
S.E.  
4-1

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

